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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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SUMMARY RECORD OF THE 34th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 22 November 1995, at 10 a.m.

Chairperson: Mr. GRISSA

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 4) (continued)

Third periodic report of Norway (E/1994/104/Add.3; E/C.12/1994/WP.26)

1. At the invitation of the Chairman, Mr. Wille, Mr. Vidnes and Mr. Edøy (Norway) took places at the Committee table.

2. The CHAIRPERSON welcomed the delegation of Norway and invited it to supply any further information it might have in connection with its third periodic report.

3. Mr. WILLE (Norway) expressed his Government's appreciation of the opportunity to continue its dialogue with the Committee and said that no important developments had taken place since the recent submission of its written replies to the points raised in the list of issues.

4. The CHAIRPERSON said the Committee would therefore proceed to discuss the situation in Norway, for which purpose it had before it the third periodic report of Norway, in document E/1994/104/Add.3; the Committee's list of issues, in document E/C.12/1994/WP.26; and the Norwegian Government's response to the list of issues, in a document without a symbol. Members were invited to make their comments on the basis of groups of issues and articles of the Covenant, in the order in which they appeared in the replies.

General framework within which human rights are protected (Issues Nos. 1-4; Information and publicity (Issues Nos. 5-6)

5. Mr. WILLE (Norway) said that a bill for the incorporation into Norwegian law of the two International Covenants on Human Rights and the European Convention on Human Rights was due to be presented to the Storting (national assembly) by the end of 1995. Consideration was being given to the possibility of incorporating other human rights instruments as well. His Government wished to reserve its position with regard to issue No. 4 until it had had an opportunity to study the Committee's proposal regarding the elaboration of an optional protocol. As to issue No. 6, the Covenant had not been translated into Sami, but all Samis also spoke Norwegian. Efforts had been made to translate as many international instruments as possible, and the 1989 ILO Indigenous and Tribal Peoples Convention (No. 169) had already been translated.

6. Mr. RATTRAY said that it was gratifying to note the Norwegian Government's decision to incorporate international human rights instruments into domestic law. Since environmental impact assessments were often required when new legislation was introduced, he would like to know whether the Norwegian Government considered it useful to have a human rights impact assessment as well.

7. Mr. WILLE (Norway) replied that environmental impact assessments were required under Norway's most important planning law and that the human rights implications of new legislation were taken into consideration.

8. Mrs. JIMENEZ BUTRAGUEÑO inquired whether the translated version of the Covenant was widely circulated and whether non-governmental organizations (NGOs) had been consulted in the preparation of Norway's report.

9. Mr. WILLE (Norway) said that he had no statistics on how often the Covenant had been invoked before the Norwegian courts. In any case, the most commonly invoked instrument was the European Convention on Human Rights. When preparing its report the Government had requested the Norwegian Institute for Human Rights to convene a meeting of NGOs, but they had shown little interest and no meeting had been called. The Government was certainly interested in learning the views of NGOs. The extent to which the general public was aware of the Covenant was not known. The Norwegian Committee for the International Decade for Human Rights Education would draw attention to the Covenant and a book on human rights and the United Nations had been distributed to schools. The United Nations Association publicized the work of the United Nations and paid special attention to human rights.

10. Mr. RATTRAY explained that the purpose of his question had been to ascertain whether the Government would elevate human rights obligations to the same level as environmental obligations by requiring all projects to be accompanied by a human rights impact assessment.

11. Mr. WILLE (Norway) drew attention to the new provision in the Norwegian Constitution stating that it was incumbent upon the authorities of the State to respect and to ensure human rights and that further provisions concerning the implementation of treaties thereon would be laid down by statute. That provision had already been mentioned in the written response to the list of issues and showed that the duty to respect human rights had been raised to the constitutional level. The situation would become more formalized once the Covenant had been incorporated in domestic law.

12. Mr. RATTRAY said that he appreciated the fact that respect for human rights had been raised to the constitutional level. However, it might be important to introduce new legislation creating a legal obligation for the Government to make human rights impact assessments.

Article 2 - Non-discrimination (Issues Nos. 7-9); Article 3 - Equality between men and women (Issue No. 10)

13. Mr. WILLE (Norway) pointed out that, in its reply to issue No. 7, his Government had referred to its most recent report to the Committee on the Elimination of Racial Discrimination (CERD/C/210/Add.3). It was now preparing a further report for that Committee. He would look through the preliminary draft and report back on any new elements.

14. The CHAIRPERSON, speaking as a member of the Committee, inquired about the situation with regard to equality between men and women.

15. Mr. WILLE (Norway) replied that there was nothing new to indicate since his country's most recent report to the Committee on the Elimination of Discrimination against Women and its national report to the Fourth United Nations Conference on Women in Beijing.

16. The CHAIRPERSON asked whether there was any discrimination against women in matters such as employment and remuneration.

17. Mr. SIMMA observed that in its reports to international bodies the Government acknowledged that, despite Norwegian legislation, there was still a substantial inequality of remuneration between men and women. The delegation might wish to explain that situation.

18. Mr AHMED requested information on the status and treatment of naturalized immigrants and foreigners, since there were reports of a growing prejudice against foreigners, especially against immigrant workers and asylum-seekers.

19. Mr. CEAUSU pointed out that, in its reply to issue No. 15, the Government had already provided information on equal remuneration of men and women.

20. The CHAIRPERSON observed that, whereas article 7 of the Covenant, with which issue No. 15 was concerned, dealt specifically with conditions of work, article 3 was much more general in scope.

21. Mr. RATTRAY asked whether the duty to promote gender equality was restricted to the public authorities or whether it applied to all employers. If the duty was not one of general application, he would like to know why that was so.

22. The CHAIRPERSON, speaking as a member of the Committee, inquired whether there were any statistics on violence against women in Norway and whether the rights of divorced women were protected, particularly with regard to the custody of children.

23. Mr. WILLE (Norway) said that he would prefer to postpone his reply to Mr. Simma's question regarding equal remuneration of men and women. In reply to Mr. Ahmed's question, he explained that the difference in status between nationals and non-nationals was very slight and that, generally speaking, non-nationals enjoyed the same rights as Norwegians. There were certain differences relating to the acquisition of property, but treatment with regard to economic, social and cultural rights was the same. Unemployment was much higher among immigrants and their standard of living was lower. More information on that point, as well as on the Chairperson's question regarding statistics on violence against women, could be supplied at a later stage. There were no differences in legal status between naturalized immigrants and other Norwegians.

Article 6 - Right to work (Issues Nos. 11-14)

24. Mr. CEAUSU thanked the Norwegian Government for its comprehensive report, which showed that Norway, like other Scandinavian countries, had a highly

developed social security system. Nevertheless, it was important that the Government should continue to improve its legislation in the light of the comments made in the United Nations, ILO and elsewhere.

25. The third periodic report indicated that unemployment had increased between 1988 and 1993, especially among young people. He wondered whether there was any connection between the relatively high rate of unemployment among young people and the education system. Was the education and training given insufficient to equip young people for entry into the labour market and, if so, what action was being taken to remedy the situation?

26. Noting from paragraphs 39 and 55 of the third report (E/1994/104/Add.3) that the unemployed were obliged to accept "ordinary employment", he asked what was to be understood by that term. Did that obligation not run counter to the principle of free choice in employment? What was the extent of unemployment among the professional classes and those with tertiary education qualifications, and how were the authorities tackling that problem?

27. Mr. WILLE (Norway) said that Mr. Ceausu had posed a very wide-ranging question, to which his delegation would provide a comprehensive answer next day. Meanwhile, he would point out that, while unemployed persons refusing offers of ordinary employment were liable to lose unemployment benefits, they were not, of course, legally obliged to accept such offers.

Article 7 - Right to just and favourable conditions of work (Issues Nos. 15 to 18)

28. The CHAIRPERSON, speaking as a member of the Committee, noted from the written replies that the overwhelming majority of women in Norway appeared to be employed in poorly paid occupations, while men predominated in highly paid occupations. The factor determining that distribution was educational achievement. Why was it that, in a society where there was allegedly no discrimination between the sexes, males were much more highly educated than females? Would the Norwegian delegation provide statistics on the breakdown by sex of the university student population?

29. Mr. CEAUSU said that the written reply to issue No. 15 contained a debatable assertion, namely, that the difference between men's and women's wages was partly attributable to women's relative lack of power and influence in wage negotiations. It was not a valid explanation. Bearing in mind that the Prime Minister, many Ministers in the Government, members of the Storting and leaders of political parties were women, women clearly occupied positions of considerable influence. The problem seemed rather to be one of lack of political will: legislation should compel employers to treat women on an equal footing with men.

30. Referring to paragraph 93 of the third report, he asked whether the system for promotion in the public administration involved competitive examinations to select candidates of proven experience and intellectual ability.

31. Mrs. JIMENEZ BUTRAGUEÑO said she was aware that in the early 1980s affirmative action had been taken in Norway to persuade women to train in non-traditional occupations. Was that approach still being followed? It was important that women should not just engage in traditional occupations, but that they should also occupy posts of responsibility in politics, diplomacy and business.

32. Mr. VIDNES (Norway) said there had formerly been a tendency, in Norway as elsewhere, to give preference to sons over daughters in educational matters. Recently the situation had changed completely, and women now constituted the majority among university students. He would provide detailed statistics later. The more rapid promotion of males was partly attributable to the fact that in Norway, as in many other countries, most women had to look after children at one particular period in their lives. With the recent changes in educational patterns, a considerable change in the statistics was expected over the next 10 years. In public service, for instance, the majority of senior officials in most ministries were now women.

33. As to Mr. Ceausu's question about the influence of women on collective bargaining, Norwegian law provided for equal pay for equal work. It was thus possible for an employee to take legal action against an employer who failed to comply with that stipulation. It would be very difficult for the Government or the Storting to take any action other than pass legislation, for such matters had to be dealt with by the workers' and employers' organizations.

34. Mr. WILLE (Norway) said that performance in a competitive examination was the main criterion for promotion in the diplomatic service. However, the guidelines also required that, all other things being equal, the under-represented sex should be given priority. Since there was always a "margin of appreciation", the Ministry was thus free to promote the under-represented sex. It was also worth noting that the guidelines governing appointments to public committees required a minimum 40 per cent representation for each sex.

35. Mr. SIMMA said that the problem of equality - not of remuneration, but of access to employment - between women and men had acquired a new dimension following a recent decision of the Court of Justice of the European Communities which had found that the quota system instituted by one German Land was not in conformity with the European Community guidelines designed to secure equal access for women to the employment sector. Did the measures contemplated by Norway to secure equal access to employment include implementation of a system of quotas?

36. The CHAIRPERSON, speaking as a member of the Committee, asked why, according to the table to be found in paragraph 282 of the third periodic report, women's incomes appeared generally to be increasing faster than those of men.

37. Mr. WILLE (Norway), responding to Mr. Simma's question, said that no quota system was applied, and that the authorities instead used the "margin of appreciation" in order to give preference to the under-represented sex. The impression he had gained from the on-going debate was that over the

past 10 years women had become increasingly opposed to a quota system and wished to be judged on an equal footing with men. As for the Chairperson's question, the main reasons why women's incomes had risen faster than men's were that more women occupied senior positions than had been the case in 1982 and that more women had higher educational qualifications.

38. Mr. SIMMA noted that the Norwegian delegation had several times stated that the Government applied a "margin of appreciation" in those matters. Did that mean that the decisions were not amenable to any jurisdiction?

39. Mr. WILLE (Norway) confirmed that such decisions were not justiciable. Furthermore, there was no requirement that for them to be reasoned and, as a general rule, persons refused employment had no right of appeal. However, the fact that many guidelines referred to an "equal or almost equal footing" allowed for a fairly wide margin of appreciation.

40. Mr. RATTRAY said that in the discussions concerning gender equality the Norwegian delegation had referred repeatedly to the requirements imposed upon the public authorities. However, with increasing privatization and liberalization, gender equality was not an issue that related solely to the public authorities. Did the Government accept that it had an obligation, as part of the principle of governance, to impose the same legal requirements or guidelines on the private as on the public sector?

41. Mr. WILLE (Norway) said that his Government certainly did feel an obligation to take action in that regard, but believed that it should be in the form of legislation and of such activities as promotion of higher education for women. It would, however, be wary of intervening in specific relations between employers and employees, which were a matter for negotiations between the parties and their respective organizations.

42. Mr. SIMMA asked for a clarification. Had he been right to understand that the Government did not regard equality issues in the private sector as a matter for legislation?

43. Mr. VIDNES (Norway) said that the legislation enacted also applied to the private sector. It was at the level of implementation that the matter became the responsibility of workers, organizations and, if necessary, the courts.

44. Mr. SIMMA noted there appeared to be quite significant differences between the Norwegian system and the system applicable within the European Union. One leading case in the Union regarding equality of access for women was the von Colson & Kamann case, concerning two female social workers who had been refused employment in a prison for male offenders. The German labour courts and the Court of Justice of the European Communities had held that the decision was discriminatory and violated European Union and German legal directives. The upshot was that in such cases the applicants would be entitled to substantial damages.

45. The Norwegian delegation had also said that the public authorities were not required to give reasons for a decision not to employ a person.

Presumably, however, a female applicant would not then be prevented from calling upon the courts to adjudicate, should she feel that the refusal to employ her was unjustified.

46. Mr. RATTRAY asked whether there had been many instances in which private-sector employees claiming to have been unjustifiably denied promotion or equality of opportunity had taken their cases to the courts. To what extent was the right to work justiciable with reference to some objective yardstick, especially in the private sector?

47. Mr. WILLE (Norway) said that his delegation would provide statistics in response to Mr. Rattray's question at a later date. With regard to Mr. Simma's remarks, the Equal Status Act also applied to the private sector. Before acceding to the European Economic Area agreement between the European Free Trade Area (EFTA) countries and the European Union, Norway had brought its legislation into conformity with that of European Union Member States in almost every field, including the one under review. Mr. Simma had been right to surmise that, if the public authorities acted outside the scope of their margin of appreciation, the person claiming to be a victim could bring his or her case to court, claiming, for example, a violation of the Equal Status Act, discrimination, or misuse of public authority.

Article 8 - Right of association (Issues Nos. 19-20)

48. Mr. WILLE (Norway) said that his delegation had no additional information or new developments to report with regard to article 8.

49. Mr. SIMMA referred to Norway's system of compulsory arbitration in labour disputes and to the rather brief reply that the Government had the ultimate responsibility for preventing labour conflicts from causing serious damage to society. Although the Government's termination of a strike by that means required legislation adopted by the Storting, it emerged from cases that had come before the ILO Committee on Freedom of Association that the system of compulsory arbitration by the Government tended to be used somewhat indiscriminately and heavy-handedly. A case in point was a recent one involving the Norwegian Union of Social Educators and Social Workers in which the Committee on Freedom of Association had found that recourse to compulsory arbitration was premature and incompatible with principles of freedom of association, and that collective bargaining would have been preferable. The Government had stated before that Committee that it was considering possible modifications to the system for resolving labour disputes. What progress had been made in that regard?

50. Mr. CEAUSU said that he was pleased to see that the legislative provision prohibiting strikes by the police had been abolished. Noting from paragraph 118 of the third report that the right to strike did not apply to senior officials in the public administration, he asked who those senior officials were, how many of them there were and whether diplomats fell in that category.

51. Mr. VIDNES (Norway) confirmed Mr. Simma's comments that Norway had been criticized by the ILO Committee on Freedom of Association on the subject of its compulsory arbitration system. It was taking those criticisms seriously

and a permanent tripartite committee set up to advise the Government on labour law issues was considering various adjustments to the system. To the best of his knowledge it would be completing its work in the first half of 1996 and would be submitting proposals to the Government.

52. Mr. WILLE (Norway) informed Mr. Ceausu that the senior officials referred to in paragraph 118 were heads of division and those in more senior posts. Diplomats did not enjoy the right to strike.

53. Mrs. JIMENEZ BUTRAGUEÑO asked whether the senior officials appointed by the King were first and foremost public officials or whether their posts were primarily political.

54. Mr. WILLE (Norway) replied that they were officials and not politicians.

Article 9 - Right to social security (Issues Nos. 21-23)

55. Mr. WILLE (Norway) reiterated the statement in the Norwegian replies that the official retirement age was 67, although there was a general right to continue in employment up to the age of 70. There were also a number of special retirement age agreements; a study was currently being conducted to ascertain the need to maintain all those special agreements.

56. Mr. SIMMA said that 67 was a comparatively high retirement age compared with other Western European countries, although it appeared that there was a growing awareness in those countries of a need to extend the retirement age in order to make up social security deficits, especially in regard to old-age pension schemes. Did Norway face a similar problem? Another observable trend in the private sector was that of companies encouraging employees, especially senior employees, to take early retirement, the result being a shift of costs from the private sector to the overall social security system. Was that the case in Norway? A trend towards increasingly early retirement in the public sector was also observed in a number of countries. He asked whether the problem arose in Norway and, if so, whether Norway was considering any means of remedying the situation.

57. Mrs. JIMENEZ BUTRAGUEÑO asked whether it was compulsory to retire at a certain age. In her country, there was a mandatory retirement age in the civil service, but not in the private sector, so that those who wished to continue in employment could do so. In some countries, forcible retirement had been abolished in the civil service. Again, as in the case in some countries, was a person in receipt of a pension under one scheme, for instance a widow's pension, forced to forgo that pension upon reaching a certain age and thereafter receive an often much lower pension under the old-age pension scheme?

58. Mr. MARCHAN ROMERO requested clarification of the possibility of retiring at the age of 70, asking whether it was an option or an exception. If it was an exception, how and in what cases did it apply? Could statistics be provided on cases in which retirement at the age of 70 was exercised and in what sectors?

59. The CHAIRPERSON, speaking as a member of the Committee, said the extension of higher education meant that more and more people were entering the labour market at a later age. That factor, combined with increased life expectancy, prompted him to ask whether retirement and entitlement to a pension were contingent on a minimum contribution or on age.

60. Mr. WILLE (Norway) said that a person needed to have contributed for 40 years to receive a full pension in the public sector, and 30 years in the private sector. The amount received depended on the number of years worked and hence the amount contributed. Someone who had never worked at all received the minimum benefit. Regarding the question of "forcible retirement" raised by Mr. Marchan Romero and Mrs. Jiménez Butragueño, the basic rule was retirement at 67, although that could usually be extended to age 70. There were also many exceptions and local agreements. In the private sector, people could remain in employment after the age of 70. There were also rules for the self-employed and a prohibition on persons in certain professions from practising beyond a certain age. Mr. Simma was correct in drawing attention to the need to consider extending the retirement age. That was the reason why the Government was currently studying certain special agreements allowing for an earlier retirement age. He would provide Mr. Simma with figures concerning early retirement in the private sector.

61. Mrs. JIMENEZ BUTRAGUEÑO commended the Norwegian Government on its flexible approach, and asked whether there was a maximum limit on the amount of pensions, even if a person had contributed to more than one pension scheme.

62. Mr. AHMED asked whether foreigners with a resident's permit and unemployed Norwegians, were covered by the system of social assistance.

63. Mr. WILLE (Norway) said that there was a maximum limit on old-age pensions in the public sector but not in the private sector. As to Mr. Ahmed's question, foreigners legally resident in the country were covered in the same way as were nationals. Regarding the unemployed, a person who had never worked in Norway was not entitled to unemployment benefit, but all residents enjoyed minimum social assistance benefits, which varied to some extent, depending on such factors as geographical location and cost of living.

64. Mr. AHMED asked whether there were any unemployment benefits for those who had not been employed but were under the age of retirement.

65. The CHAIRPERSON, speaking as a member of the Committee, asked whether a person who had never worked, for whatever reason, and had reached the normal age of retirement was left with no benefits or received some assistance.

66. Mr. WILLE (Norway) said that under the National Insurance Scheme all persons were entitled to a pension regardless of whether they had worked. The amount received depended on the number of years worked. As to Mr. Ahmed's point, everyone who had worked for six months could claim unemployment benefit.

67. With reference to Mrs. Jiménez Butragueño's question about widows' pensions, such matters were governed by somewhat complicated regulations,

which he would report on subsequently. In the case of a widow who had earned a pension in her own right, the two pensions would be combined under a particular procedure.

68. Mrs. JIMENEZ BUTRAGUEÑO specified that she had in mind the system in some countries whereby a woman entitled only to a widow's pension ceased to be entitled to it when she reached a certain age, whereafter she drew only a meagre old-age pension.

69. Mr. WILLE (Norway) said by way of a preliminary reply that a widow received 66 per cent of her husband's pension. On reaching retirement age, she would receive her own pension, even if she had never worked, but that did not mean that she would lose her widow's pension.

Article 10 - Protection of the family, mothers and children (Issue No. 24)

70. Mrs. BONOAN-DANDAN requested further information on the proposed amendment to the Marriage Act, referred to in paragraph 231 of the third periodic report, to the effect that a condition for contracting marriage was that both parties should be legally resident in the country. The proposal appeared to conflict with the non-discrimination requirement under article 2 of the Covenant. In connection with paragraph 262 of the report, she asked whether the brief statement "no comment" meant that the reporting State had nothing to say on paragraph 6 (f) of the Guidelines or whether it had encountered no difficulties. Again, it would be helpful to have information on the incidence of domestic violence against women. Were there laws to protect women against violence and did all women have access to protection, whether they were nationals or non-nationals, legal or illegal residents? The same questions arose in respect of child abuse and prostitution, especially child prostitution.

71. Mr. SIMMA said that, although the Government stated both in its report and in its replies that legislation ensured that working hours and school hours together might not exceed eight hours per day for children over 13 years of age who were still subject to compulsory schooling, the Committee of Independent Experts set up under the European Social Charter had indicated that existing legal provisions in Norway might result in children attending schooling and working for a total of up to 49 hours a week. He did not know how that Committee had reached that conclusion, but sought clarification of the matter.

72. Mr. WILLE (Norway) said that the proposed amendment to the Marriage Act referred to by Mrs. Bonoan-Dandan was based on evidence that many persons had entered Norway to contract pro-forma marriages in order to obtain a residence permit, with sometimes tragic consequences. He would revert to the question she had asked about paragraph 262 of the report at a later stage. In the matter of domestic violence, the law afforded everyone the same rights of protection, regardless of whether they were nationals, non-nationals or legal or illegal residents. The same applied to prostitution, on which he could provide figures.

73. Mr. VIDNES (Norway), referring to children's working hours and school hours, said that the Working Environment Act stipulated that working hours should not prevent children from attending school or enjoying an education. The labour inspection services had the right to look into the effects of working on school attendance. It was not clear to him, either, how the figure of 49 hours had been calculated, since schools and most workplaces were closed on Saturdays and Sundays. In any event, the Working Environment Act stipulated that children over 13 years of age could only be employed in very light work, and it specified the kind of work involved.

74. The CHAIRPERSON, speaking as a member of the Committee, inquired whether abandonment of children posed a problem in the case of children born out of wedlock or from broken homes.

75. Mrs. BONOAN-DANDAN said that she was not satisfied with the answers given by the Norwegian delegation to her questions. She did not simply want statistics, but rather some discussion of issues such as violence against women in the home, particularly since there was proof that it was more prevalent in affluent countries. What action was the Government taking to tackle or avert the problem? Those comments also applied to her question regarding child abuse.

76. Mr. SIMMA inquired what the official policy was regarding the adoption of foreign children, particularly from third world countries.

77. Mrs. JIMENEZ BUTRAGUEÑO asked what the position was under the Criminal Code in regard to domestic violence against women and children. Furthermore, had the number of sentences for such offences increased? Sentencing, penalties and the training of policemen was extremely important in such matters. For many years it had been considered more or less normal in Spanish society for husbands to be violent towards their womenfolk and so policemen had turned a blind eye to the phenomenon. The delegation had made no mention of child pornography. Was it a problem in Norway?

78. Mr. WILLE (Norway) said that more comprehensive information would be provided on domestic violence, child abuse and abandoned children at his delegation's next meeting with the Committee. There was an official policy regarding the adoption of foreign children. Candidates had to undergo screening to determine whether they would be suitable parents. Moreover, support was provided to families who adopted foreign children. More information on the subject could be provided, if necessary.

79. Mr. ALVAREZ VITA inquired whether children adopted from foreign countries acquired Norwegian nationality.

80. Mr. WILLE (Norway) said he was almost certain that such children automatically acquired Norwegian nationality upon their arrival in Norway. He would inform the Committee subsequently if that was not the case.

Article 11 - Right to an adequate standard of living (Issues Nos. 25-26)

81. Mr. TEXIER said that, although the Norwegian report had been well prepared and was fully in keeping with the Committee's guidelines, there was

little information on the situation of the homeless. In some countries, such as France, the problem of people living on the streets was reaching alarming proportions. Sometimes, homelessness was a consequence of other social problems such as long-term unemployment; for example, after a given period of time, people were no longer eligible for State benefits and were forced to drop out of society. What long-term measures were being taken to eradicate the problem? Were there any special measures taken to provide assistance to such people during the long, hard winter?

82. Mr. WILLE (Norway) said he could not deny that there were homeless people in Norway. However, no official statistics were available on the subject. Presumably the problem was not widespread on account of the comprehensive social security system. There were hostels where the homeless could seek shelter overnight.

83. The CHAIRPERSON, speaking as a member of the Committee, observed that in several instances the delegation had referred to the absence of statistics. He inquired whether non-governmental organizations or religious groups provided assistance to the homeless. Was it possible that the social security system did not suffice?

84. Mr. WILLE (Norway) replied that the church and the Salvation Army helped the homeless, as did another organization called Church City Mission.

85. Mr. AHMED said he would welcome further information regarding issue No. 26. What was Norway's policy towards homeless people?

86. Mr. TEXIER said another important matter that warranted consideration was how to ensure the reintegration into society of homeless and marginalized people, who generally had difficulty in adjusting to normal living conditions after a long period on the streets during which they had lost all self-esteem. In France, special accommodation consisting of a kind of half-way house was available for such people. Did the Norwegian Government have arrangements along those lines? Lastly, it was essential to distinguish between people who were homeless by choice and others who, due to circumstances beyond their control, had fallen by the wayside.

87. Mr. VIDNES (Norway) said that under the National Insurance Act all people living in Norway were entitled to basic financial benefits and assistance in finding accommodation. Any further assistance provided varied from one place to another. In Oslo there were a number of community-based activities in which, for instance, workers tried to help people to break out of prostitution and get off the streets. Accordingly, the combination of the social security system and NGO- and community-based activities meant that the needs of such people were well catered for. He could provide further details, if necessary, on other action which for the most part was initiated at community level.

88. Mrs. JIMENEZ BUTRAGUEÑO asked whether there was any basic allowance to help such people become reintegrated into society. Was that what was meant by financial assistance under the National Insurance Act?

89. Mr. VIDNES (Norway) said that there were two different sources of support. Under the social security system the local community was obliged to provide people with an allowance to meet basic needs, whereas social reintegration came under the unemployment benefit system. A combination of economic benefits and training was available to help such people return to employment.

Article 12 - Right to health (Issue No. 27)

90. Mr. SIMMA said Norway's geography was such that it must be difficult to provide equal access to health care. He was aware that at one time there had been a system, probably designed to ensure health care for all, whereby graduates in medicine and dentistry had been required to work for the Government for a given period in the more remote areas of the country. In fact, one of the first cases brought before the European Court of Justice had concerned a young Norwegian graduate who had alleged that such a system was tantamount to forced labour. He wondered whether such a system still existed and what steps had been taken to reconcile respect for fundamental liberties with the necessity of providing health care for all.

91. He would also welcome further information on State policy towards alcohol, in view of the generally recognized benefits of consuming alcohol in moderation. Lastly, what was Norway's official policy regarding smoking?

92. Mr. WILLE (Norway) said that, although officially there was equal access to health care, it was sometimes hard to implement that policy on account of geographical difficulties. Graduates in medicine were still obliged to perform one year's public service, but he had not heard of any complaints in that respect lately. For many years there had been a ban on the advertising of tobacco and alcohol, and some amendments had recently been made to legislation on smoking.

93. Mr. VIDNES (Norway) said that several of the Nordic countries had encountered problems regarding their monopoly on alcohol. Since it had acceded to the European Economic Area treaty, Norway had attempted to loosen its monopoly on the import of alcohol. However, the European Union had issued a waiver for Sweden, Finland and Norway, allowing them to retain their monopoly on retail alcohol stores. Access to alcohol was, of course, easier in big towns, but nowadays it was possible to purchase alcohol in outlying areas by mail order.

94. The CHAIRPERSON, speaking as a member of the Committee, inquired whether Norway had a drugs problem and what the official position regarding soft drugs was.

95. Mrs. JIMENEZ BUTRAGUEÑO asked what steps were being taken by the State to protect children against alcohol. Furthermore, what place did geriatrics occupy in public health care? In Spain there was a surplus of paediatricians and very few children and a shortage of geriatric specialists to deal with the increasingly larger elderly population. Was the situation similar in Norway? What provision was made in the public health-care system for the prevention

and cure of illnesses among the elderly as well as their rehabilitation? Lastly, was health care free for all or did Norwegians in a higher income bracket have to pay for treatment?

96. Mr. WILLE (Norway) said that his country had the reputation of being rather severe on drugs. The maximum penalty applied for drug trafficking was a 20 year prison sentence. Soft drugs had not been legalized. As to the cost of health care, there was a minimum and maximum charge for consulting a doctor, depending on the patient's income. Both the minimum and maximum charge were relatively low and so medical care was virtually free of charge. He could provide the exact figures, if necessary.

97. Mr. VIDNES (Norway) said that the main measure to protect children against alcohol lay in the restrictions placed on the sale of alcoholic beverages to the public. The minimum ages for the purchase of wine or beer and spirits were 18 and 21 years respectively. Schools had a variety of programmes to inform young people about the dangers of drugs and alcohol. Furthermore, there were regular inspections in shops, cafes and restaurants to make sure that the age requirements for consumption of alcohol were observed. Information on health care for the elderly would be provided at the delegation's next meeting with the Committee.

98. The CHAIRPERSON, speaking as a member of the Committee, said he was not entirely satisfied with the reply to his question on drugs. He would welcome more general information on the prevalence of the problem, supported by statistics, if possible. For instance, what action was being taken to deal with drug dealers, who often loitered around schools and other establishments frequented by young people?

99. Mr. WILLE (Norway) said that statistics on drug-related problems would be provided in due course.

100. Mr. ALVAREZ VITA said he would welcome further clarification on the controls carried out by the authorities regarding the sale of alcoholic beverages, such as beer, particularly to minors aged under 18. What sanctions were imposed for breaches of the law?

101. The CHAIRPERSON said that the additional information requested by members would be provided at the next meeting. After completion of the list of issues contained in document E/C.12/1994/WP.26, members would make general comments on Norway's third periodic report.

The meeting rose at 1 p.m.